IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 18499 of 2004

Between:

G.Thoyajakshi Reddy, S/o.Rajagopal Reddy,
R/o.Pthagunta village, Vedurukuppam, Mandal, Chittoor Dist.

..... PETITIONER

AND

1 The Joint Collector, Chittoor District.
2 The Revenue Divisional officer, Chittoor District.
3 The M.R.O., Vedurukuppam Mandal, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ or direction declaring the action of the 1st respondent in not passing the orders on the appeal filed by the petitioner and further declare the proceedings of the 2nd respondent passed in Roc.B/2605/2004 dated 7-9-2004 placing the petitioner under suspension pending enquiry as illegal arbitrary and unsustainable and consequently direct the respondents to supply the essential commodities to the petitioner for distribution to the card holders of F.P.shop of K.V.M.Agraharam.

Counsel for the Petitioner:MR.P.GANGA RAMI REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following order:

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ORDER:

This writ petition is filed aggrieved by the order dated 07.09.2004, passed by the second respondent-Revenue Divisional Officer, Chittoor District, whereunder the authorization of the petitioner has been suspended, pending enquiry into the alleged irregularities in distribution of the commodities.

It is not in dispute that against the impugned order, an alternative remedy is available under the Statute by way of appeal to the Joint Collector, and as a mater of fact, the petitioner has already preferred an appeal, which is pending before the first respondent.

In the circumstances, though the learned counsel for the petitioner raised various contentions assailing the validity of the impugned order of suspension, I am not inclined to express any opinion on merits, since the statutory appeal is pending before the first respondent. It is open to the petitioner to urge all the grounds before the first respondent.

However, having regard to the facts and circumstances of the case and keeping in view the plea of the petitioner that the first respondent failed to consider his appeal and no orders have been passed even on the application filed for stay so far, I deem it appropriate to dispose of the writ petition with a direction to the first respondent to dispose of the application for stay filed in the appeal against the order of the second respondent dated 07.09.2004 as expeditiously as possible, preferably within a period of one week from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No costs.

_____ 11.10.2004

Note: Issue C.C. in two days.

(B/o)

Jsu/Vgb

To

1 The Joint Collector, Chittoor District.
2 The Revenue Divisional officer, Chittoor District.
3 The M.R.O., Vedurukuppam Mandal, Chittoor District.

4 2CCs to the Government Pleader for Civil Supplies, High Court Buildings, Hyderabad. (O.U.T).

5 2CD copies.